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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,686	08/06/2003	Robert Weber	14253	2699
7590	10/24/2006			
			EXAMINER	
			WOOD, KIMBERLY T	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 10/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/635,686	WEBER ET AL.
	Examiner Kimberly T. Wood	Art Unit 3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 August 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 13-16,28-30,34 and 38-43 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12,17-27,31-33 and 35-37 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

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This is an office action for serial number 10/635686.

Election/Restrictions

Claims 13-16, 28-30, 34, 38-43 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species and invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 14, 2005 and February 16, 2006.

This application contains claims 13-16, 28-30, 34, 38-43 drawn to an invention nonelected without traverse in reply filed on October 14, 2005 and February 16, 2006. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

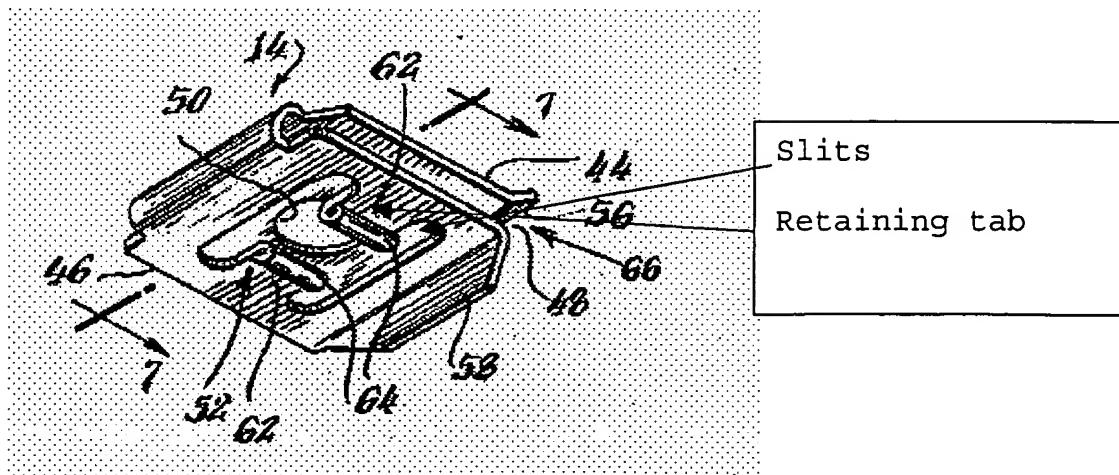
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-7, 9-12, 17, 22-27, 31-33, 36, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaconette, Jr. (Jaconette) RE 29,752. The applicant is reminded that the "airbag or tether" have not been positively claimed within the claims and therefore the device only need to be capable of performing the function of attachment to or for an "airbag or tether". The claims are directed to the subcombination and not the combination as understood by the examiner. Jaconette discloses a bracket (14), a first opening (50), a second opening (between 62), retaining member (62) including centering tabs (64, in regards to claims 3-5) or retaining tabs (in regards to claims 17, 22, 23) being angled, an aperture positioned adjacent to closing tab(54), slit (see figure below).



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-5, 8, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaconette Re 29,752 in view of Tinnermann 3,523,299. Jaconette discloses all of the limitations of the claimed invention except for the centering tabs. Tinnermann teaches that it is known to have retaining tabs including centering tabs (30 and 31) being angled. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Jaconette to have included the centering tabs as taught by Tinnermann for the purpose of providing bearing engagement with the root of an adjacent thread and providing greater strength to the fastener.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaconette Re 29,752 in view of Lorentzen 3,140,071. Jaconette discloses all of the limitations of the claimed invention except for the depression. Lorentzen teaches

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that it is known to have a depression (25b and 25c). It would have been obvious to one having ordinary skill in the art to have modified Jaconette to have included the depression as taught by Lorentzen for the purpose of providing a better gripping action on the supporting surface and any member being attached.

Response to Arguments

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., airbag or tether) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the applicant's argument that Jaconnette does not teach that "the rolled tip retains the fastener", this argument is herein traversed. Jaconnette clearly states within 5, lines 2ff

The rolled tips 64 are forced to bear against the threads of the mounting screw 22 and thereby a low resistance interface is established therebetween.

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This disclosure of Jaconnette provides a clear teaching of how the retaining member (62) having rolled tips/tabs (64) produce a force (no matter how slight or low) which acts on the fastener (22) to retain the fastener within the bracket (14). These tips/tabs therefore meet the applicant's claimed limitation of "the fastener engages the retaining member and cause the bracket to retain the fastener".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

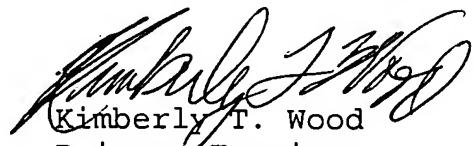
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly

T. Wood whose telephone number is 571-272-6826. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kimberly T. Wood
Primary Examiner
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